

CENTRAL FAX CENTER

JAN 06 2005

Appl. No. 09/754,040  
Amdt. Dated 1/6/05  
Reply to Office Action of October 6, 2004

### REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed October 6, 2004. Claims 22-29 have been allowed. Claims 3 and 4 have been objected to and have been placed into independent form to include limitations associated with the approximation apparatus into the claims. Claims 5-6 and 8-9 have been amended to depend from independent claim 4. Claims 1 and 10 have been cancelled without prejudice and claims 32-35 have been added. Hence, claims 3-9, 12-16 and 19-35 are now pending. Reconsideration of these claims is respectfully requested.

In the Office Action, claim 18 was objected to because of its dependency on a succeeding claim (claim 19). Applicant traverses the objection and contends that such dependency is not prohibited due to correction upon renumbering upon issuance of the patent. However, Applicant has cancelled claim 18 and added claim 32 being a renumbered version of claim 18. Since the addition does not narrow the claim, Applicant believes that *Festo* interpretation does not apply. However, Applicant has renumbered the dependency of claims 12-16 to now depend on claim 31, which is now in condition for allowance. Applicant respectfully requests that such amendment to permitted with renumbering of the claims upon receipt of the Notice of Allowance.

The Office Action further indicates that claims 10, 12-15 and 31 were rejected under 35 U.S.C. § 101 and claims 10, 12-15, 30 and 31 were rejected under 35 U.S.C. § 112, second paragraph. In addition, claims 1, 5, 6, 8, 10, 14-16, 19 and 20 were rejected under 35 U.S.C. § 102, and claims 7, 9, 13, 18, and 21 were rejected under 35 U.S.C. § 103. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

#### *Rejection Under 35 U.S.C. § 101*

Claims 10, 12-15 and 31 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. In response, Applicant has amended independent claim 31 to include the limitation that an approximation apparatus, which is coupled to a central processing unit, generates a first rounded value ( $\lfloor X \rfloor_{\text{integer}}$ ). Claim 10 has been cancelled without prejudice and claims 12-15 now depend on claim 31.

Hence, Applicant respectfully requests withdrawal of the § 101 rejection.

#### *Rejection Under 35 U.S.C. § 112*

Claims 10, 12-15, 30 and 31 were rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Applicant has amended independent claims 30 and 31 to address the alleged informalities. Claim 10 has been cancelled without prejudice and claims 12-15 now.

In view of the foregoing, Applicant respectfully requests withdrawal of the § 112 rejection.

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### ***Rejection Under 35 U.S.C. § 102***

Claims 1, 5, 6, 8, 10, 14-16, 19 and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Schmookler (U.S. Patent No. 6,178,435). Independent claims 1 and 10 have been cancelled and claims 5-6 and 8 now depend from objected claim 3. Hence, the focus of the argument will be directed to independent claim 16.

As the Examiner is aware, in order to anticipate a claim under §102(b), Schmookler must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Herein, Schmookler does not disclose, either explicitly or implicitly, each and every limitation set forth in independent claim 16.

For instance, Schmookler does not disclose a third code segment to convert the rounded value to a second rounded value, [X]<sub>floating-point</sub>) represented in a floating point format. Hence, withdrawal of the §102(b) rejection is respectfully requested.

### ***Rejection Under 35 U.S.C. § 103***

Claims 7, 13 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmookler. Moreover, Claims 9 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmookler in view of Abe (U.S. Patent No. 6,049,343). Dependent claims 7 and 9 as well as claim 13 have been amended to depend from objected claim 3 and claim 31, respectively. Hence, the focus of the argument will be directed to independent claim 18 and 21.

As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. See MPEP §2143; see also In Re Fine, 873 F. 2d 1071, 5 U.S.P.Q.2D 1596 (Fed. Cir. 1988). Herein, at a minimum, the teachings of the cited references, either Schmookler individually or the combined teachings of Schmookler and Abe, do not describe or suggest all the claim limitations.

Applicant respectfully requests the Examiner to reconsider the claims as now amended. In order to facilitate prosecution of the subject application, the Examiner is invited to contact the undersigned attorney in the event that there are any pending claims which the Examiner still believes are not in condition for allowance. The undersigned attorney may be reached at the phone number listed below.

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**Conclusion**

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 1/6/05

By

  
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**Attachments**

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Susan McFarlane

1/6/05

Date